

This document contains the text of Secretary of the State regulations concerning

Use of Marksense Voting Machines Approved by the Secretary of the State

(Sections 9-242a-1 to 9-242a-28)

This document was created by the Office of the Secretary of the State and is provided for the convenience of the reader. This document is not the official version of these regulations.

The official printed edition of the *Regulations of Connecticut State Agencies* is available for purchase from the State of Connecticut Judicial Branch, [Commission on Official Legal Publications](#), and for public reference use at the [Connecticut State Library](#) and the State of Connecticut [Judicial Branch Law Libraries](#).

In the event of inconsistency between this document and the text of the official printed edition of the *Regulations of Connecticut State Agencies*, the text appearing in the printed edition shall serve as the official version.

PLEASE NOTE:

SECTIONS 9-242a-2 to 9-242a-28 OF THIS DOCUMENT HAVE BEEN AMENDED EFFECTIVE MARCH 27, 2008.

THE AMENDED TEXT WILL BE POSTED TO THIS WEBSITE WHEN IT BECOMES AVAILABLE FROM THE COMMISSION ON OFFICIAL LEGAL PUBLICATIONS.

PLEASE CONTACT ATTORNEY BERNARD LIU BY PHONE AT [860-509-6100](tel:860-509-6100) OR BY EMAIL AT LEAD@PO.STATE.CT.US IF YOU NEED A COPY OF THE AMENDED REGULATION PRIOR TO ITS PUBLICATION AND POSTING.

TABLE OF CONTENTS

Use of Marksense Voting Machines Approved by the Secretary of the State

General statutes shall apply.....	9-242a- 1
Number of voting machines and ballots.....	9-242a- 2
Counting of absentee ballots.....	9-242a- 3
Adjustment and programming machines. Printing ballots and absentee ballots	9-242a- 4
Inspection and test voting the voting machines.....	9-242a- 5
Election officials.....	9-242a- 6
Instruction of polling place officials. Preparation of polling place.....	9-242a- 7
Voting machine tabulator and ballots delivered to polls.....	9-242a- 8
Preparation of voting machine before polls open.....	9-242a- 9
Preparation of ballots before polls open.....	9-242a-10
Location of machine and voting booths.....	9-242a-11
Opening the polls.....	9-242a-12
Demonstrators.....	9-242a-13
Ballot clerks.....	9-242a-14
Assistant registrars of voters.....	9-242a-15
Machine tenders and machine malfunction.....	9-242a-16
Process of voting.....	9-242a-17
Overvote.....	9-242a-18
Blank ballot.....	9-242a-19
Replacing a spoiled ballot with a new ballot.....	9-242a-20
Challenged ballot.....	9-242a-21
Close of polls. Canvass of voting machines.....	9-242a-22
Moderator's returns. Canvass of votes cast and certifications.....	9-242a-23
Counting absenting ballots at the polls.....	9-242a-24
Central counting of absenting ballots.....	9-242a-25
Completing ballot log summary after polls close.....	9-242a-26
Closing the machines and polls.....	9-242a-27
Recanvass.....	9-242a-28

The Use of Marksense Voting Machines Approved By the Secretary of the State

Sec. 9-242a-1. General statutes shall apply

Except as otherwise provided by sections 9-242a-1 to 9-242a-28, inclusive, of the Regulations of Connecticut State Agencies, the provisions of the Connecticut General Statutes concerning procedures relating to voting machines and absentee ballots at elections, primaries and referenda shall apply as nearly as may be, in the manner prescribed by the Secretary of the State, to marksense voting machines approved by the Secretary of the State under section 9-242 of the Connecticut General Statutes. Except as otherwise provided by sections 9-242a-1 to 9-242a-28, inclusive, of the Regulations of Connecticut State Agencies, the provisions of sections 9-304 and 9-306 of the Connecticut General Statutes concerning penalties relating to paper ballots, shall apply to marksense voting machines approved by the Secretary of the State under section 9-242 of the Connecticut General Statutes.

(Adopted effective October 1, 1999)

Sec. 9-242a-2. Number of voting machines and ballots

The officials of a municipality purchasing or leasing an approved marksense voting machine shall provide a number of voting machines sufficient to provide a voting machine for each voting district for each primary and election and shall provide a number of spare voting machines as prescribed by law. Such officials shall provide a number of ballot boxes for each voting district sufficient to hold a number of ballots equal to the number of electors eligible to vote at each primary or election in the voting district. They shall provide a number of voting booths sufficient to provide at least one for each two hundred and fifty or fraction of two hundred and fifty electors eligible to vote at each primary and election in the municipality or voting district, as the case may be, and shall provide other necessary equipment. If the Connecticut General Statutes authorize separate voting machines for one voting district in the primary of one party or in an election be placed in the same room of the polling place of another voting district, the Secretary of the State shall prescribe that separate ballots be issued and may prescribe that they may be processed on the same voting machine in the primary of such party or in such election.

(Adopted effective October 1, 1999)

Sec. 9-242a-3. Counting of absentee ballots

The registrars of voters of a town may authorize marksense voting machines approved by the Secretary of the State to be used to count absentee ballots at an election, primary or referendum.

(Adopted effective October 1, 1999)

Sec. 9-242a-4. Adjustment and programming machines. Printing ballots and absentee ballots

The registrars shall direct the preparation, adjustment and programming of the voting machines by a suitable technician or technicians who are certified by a representative of the manufacturer or the Secretary of the State. The municipal clerk shall direct a printer

approved by a representative of the manufacturer or the Secretary of the State to print the ballots in accordance with specifications approved by a representative of the manufacturer and the Secretary of the State.

(Adopted effective October 1, 1999)

Sec. 9-242a-5. Inspection and test voting the voting machines

Not later than the fifth day before the election or primary, the registrars shall conduct ballot card testing of every programmed memory card with samples of each different ballot card printed for the election or primary. The purpose of the test is to ensure that (1) ballots are printed properly, (2) timing, diagnostic and card identification marks are correctly located on the ballot, (3) memory cards are programmed with accurate information, and (4) the voting machines tally ballots correctly. The Secretary of the State shall prescribe the procedure to (A) test unvoted ballot cards, (B) test fully voted ballot cards, and (C) count a series of test ballots. All those present, including the registrars or their designees, the technician certified under section 9-242-13 of the Regulations of Connecticut State Agencies, the town chairmen, candidates and watchers, shall certify (i) as to the numbers of the machines, (ii) that the machines have been test-voted with samples of the ballots and found to be working properly, (iii) that the candidate, question and public counters are set back to zero, (iv) as to the numbers registered on the protective counters of the machines, if provided, and (v) as to the numbers on the seals sealing the memory cards into the voting machines. This certificate and the test ballots shall be filed with the municipal clerk and kept for sixty days after the election. Each voting machine tabulator shall be placed in its carrying case together with the ender card. The voting machine tabulator in its carrying case shall be delivered by the registrars to the municipal clerk, and kept in a safe depository until election morning. The registrars shall immediately return the keys to the voting machine to the municipal clerk. Not later than eight o'clock p.m. of the day before the election, the moderators shall appear in the office of the municipal clerk to receive checklists, the appropriate keys to the voting machine, the voting machine seal number as reported on the certificate of registrars and party watchers, and supplies necessary to conduct the election.

(Adopted effective October 1, 1999)

Sec. 9-242a-6. Election officials

The election officials of each polling place shall consist of a certified moderator, two official checkers for each line of electors, two registrars of voters or two assistant registrars of voters, as the case may be, of opposing political parties, two voting machine tenders, at least two ballot clerks, zero to two challengers and zero to two demonstrators. Two demonstrators shall be appointed for the first election or primary at which the machine is used in the municipality. Subsequently, demonstrators shall be optional and other polling place officials of opposing political parties may demonstrate. Each registrar shall appoint half the number of each of such officials in a polling place. If absentee ballots are counted at the polls, other officials may perform this function, but, if needed, each registrar shall appoint half the absentee ballot counters who shall count in teams of two. If there is central counting of absentee ballots, the registrars shall appoint a central counting moderator and each registrar shall appoint half the absentee ballot counters who shall count in teams of two. In a primary, the registrar of the party holding the primary

shall appoint one or two assistant registrars and shall divide the polling place officials equally as nearly as may be between designees of the party-endorsed candidates and designees of the challenging candidates. In a primary, the term “opposing political parties” as used in sections 9-242a-1 to 9-242a-28, inclusive, of the Regulations of Connecticut State Agencies, shall mean polling place officials designated by opposing candidacies in the primary. In a primary, the assistant registrar, when performing duties under sections 9-242a-8, 9-242a-9, 9-242a-22, 9-242a-23 and 9-242a-27 of the Regulations of Connecticut State Agencies, and the registrar, when performing duties under sections 9-242a-25 and 9-242a-28 of the Regulations of Connecticut State Agencies, shall be accompanied by another polling place official, and one shall be the designee of the party-endorsed candidates and the other shall be the designee of the challenging candidates except in a presidential preference primary where, to the extent practicable, they shall be representatives of opposing candidates. In a presidential preference primary at which no other position is on the ballot, the minimum number of official checkers, voting machine tenders and ballot clerks shall be one of each such office, and if two such presidential preference primaries are held on the same day, the registrars may appoint one moderator and one head moderator to serve both primaries.

(Adopted effective October 1, 1999)

Sec. 9-242a-7. Instruction of polling place officials. Preparation of polling place

Before each election, all election officials shall attend an instructional session conducted by the municipal clerk, registrars, moderators and the technician or a representative of the manufacturer of the voting machine. Prior to the day of the election the registrars shall cause the voting booth, ballot box and necessary furniture and appliances to be delivered to the polling place, and, if there is central counting of absentee ballots, shall cause the ballot box and necessary furniture and appliances to be delivered to such central counting place.

(Adopted effective October 1, 1999)

Sec. 9-242a-8. Voting machine tabulator and ballots delivered to polls

One hour before the polls open on election day the two assistant registrars assigned to each polling place shall appear before the municipal clerk to receive the voting machine tabulator and ballots for their polling place. If the assistant registrars have not previously been sworn in, the municipal clerk shall administer the oath for polling place officials to them. The assistant registrars shall examine the label on the tabulator to ensure that it is the correct tabulator for their polling place. Without opening the inner seal of any ballot package, the assistant registrars shall ensure that the ballots are the correct ones for their polling place and shall give the municipal clerk a receipt for the tabulator and the number of ballots received as indicated on the package. The assistant registrars shall transport the unopened ballots and tabulator to their polling place not later than thirty minutes before the polls open. They shall immediately deliver the unopened ballots and tabulator to the moderator who shall give the assistant registrars a receipt and shall keep a copy for his records.

(Adopted effective October 1, 1999)

Sec. 9-242a-9. Preparation of voting machine before polls open

The assistant registrars shall witness the moderator install the tabulator on the ballot box. The moderator shall examine the label on the tabulator, and if it does not indicate his voting district, he shall contact the registrars immediately. In the presence of both assistant registrars, the moderator shall examine the number on the seal on the tabulator to ensure that it has not been tampered with, and if it is not the same as the number which the municipal clerk provided, the moderator shall contact the registrars immediately. He shall record the number of the seal and all other information required on a certificate prescribed by the Secretary of the State. In the presence of both assistant registrars, the moderator shall open each of the compartments of the ballot box. The moderator shall remove any ballots or other material found in the compartments, place them in a depository envelope and execute a memorandum. The moderator shall lock all the compartments and the assistant registrars shall check that they are securely locked. The moderator shall remove the printer cover, turn on the power switch and install the tabulator on top of the ballot box in accordance with the manufacturer's instructions. When the machine prints the election zero report identifying the date, the town and zero votes for all offices, candidates, questions and write-ins on the ballot, the moderator and assistant registrars shall examine it. If the report is correct, the moderator and assistant registrars shall sign it and attach it to the duplicate copy of the moderator's return. Such officials shall print a second tape, sign it and leave it attached to the tape in the machine. If the election zero report is not correct, the moderator shall immediately call the registrars and not open the machine for voting. If the display on the machine does not display the voting district number and show a count of zero, the moderator shall contact the registrars immediately. Using the ballot box key, the moderator shall unlock the top slot of the auxiliary bin. The machine tenders shall be stationed at the machine to prevent access to the machine until the polls are opened. The moderator and assistant registrars shall complete and sign the certificate prescribed by the Secretary of the State.

(Adopted effective October 1, 1999)

Sec. 9-242a-10. Preparation of ballots before polls open

The moderator shall give the ballots to the ballot clerks who shall begin to count them and complete the ballot log worksheet prescribed by the Secretary of the State. If there is to be more than one line of electors in the polling place, the ballot clerks shall allocate the unopened ballot packages among themselves, and each shall maintain a separate ballot log. Prior to the opening of the polls, the ballot clerks shall note the number of ballot packages received. They shall open a sufficient number of packages to start the day and hand count ballots. They shall enter on the ballot log worksheet the number of packages opened and the actual count of ballots in the packages opened. They shall continue this throughout the day and compute the totals after the polls close. Ballots shall not be issued until the polls are declared open at the time prescribed by law.

(Adopted effective October 1, 1999)

Sec. 9-242a-11. Location of machine and voting booths

The entire polling area shall be in plain view of all election officials and electors waiting to vote. The machine and voting booths shall be placed, if possible, at least three feet from any wall, partition or guardrail and at least four feet from the checkers' table.

The voting booth shall be so placed that no person outside the booth can determine how an individual voted. Each booth shall be equipped with a marking device approved by the manufacturer or a number two pencil. A large card supplied by the manufacturer and approved by the secretary of the state containing instructions for marking the ballot shall be posted inside each booth. At least one voting booth in each voting district shall be accessible to persons with disabilities. A guardrail shall be erected between the checkers' tables and the area containing the voting booths and the machine. The moderator, or another official designated by the moderator, shall regulate the flow of electors from the checkers table to the voting booth to the voting machine and out of the polling room and shall use guardrails where necessary.

(Adopted effective October 1, 1999)

Sec. 9-242-12. Opening the polls

Immediately prior to the time to open the polls, the moderator shall check that the public counter is zero. The moderator shall declare the polls open at the time prescribed by law. If the voting machine malfunctions, the moderator shall notify the registrars immediately and direct that ballots shall be issued and deposited in the auxiliary bin. When the machine is repaired, or replaced, the moderator, in the presence of two election officials of opposing political parties, shall open the auxiliary bin and process the ballots through the machine for tabulation.

(Adopted effective October 1, 1999)

Sec. 9-242a-13. Demonstrators

Demonstrators shall be located before the checkers table. The demonstrators or the other election officials of the polling place shall offer instruction to electors entering the polling place. Two election officials of the polling place of opposing political parties jointly shall instruct the elector. They shall use demonstration ballots which indicate "name of party", "name of candidate", "office" and "question-statement of question-yes-no". The election officials shall post a sample ballot so that it is visible to an elector receiving instructions. The officials demonstrating shall advise the elector that the demonstration ballot does not represent the actual form of the official ballot, and direct the elector's attention to the sample ballot posted nearby.

(Adopted effective October 1, 1999)

Sec. 9-242a-14. Ballot clerks

Ballot clerks and official checkers shall work as a team. Each ballot clerk shall work as a team with an official checker appointed by a registrar of a different party and may work with an additional official checker. No ballot shall be issued unless the elector's name has been checked off the official checklist. As each ballot is issued or spoiled, the ballot clerk shall so indicate on a ballot log worksheet. No replacement ballot shall be issued unless the spoiled ballot is returned to the ballot clerk. The ballot clerk shall mark "spoiled" on the back of any spoiled ballot, avoid looking at the markings on the front and place it in a spoiled ballot envelope or other suitable container reserved for spoiled ballots. As ballots are being counted or handled, the ballot clerk shall check for serious printing problems, inform the moderator, mark the defective ballot "spoiled", place it in a spoiled ballot envelope or other suitable container and account for it on a ballot log

worksheet. Any ballot found in a voting booth shall be marked “found in voting booth” and placed in the spoiled ballot envelope or other suitable container after the moderator makes a memorandum of the incident. When the polls close, ballot clerks shall total all sections of ballot log worksheets and complete a ballot log summary prescribed by the Secretary of the State.

(Adopted effective October 1, 1999)

Sec. 9-242a-15. Assistant registrars of voters

The registrars of voters or assistant registrars of voters or other officials designated by the moderator shall control access to the area containing the voting booths. Only electors with ballots and persons legally entitled to accompany them shall be allowed into the voting booth area. Electors shall only be admitted to this area when a booth is available. Such officials shall periodically examine the voting booths to resupply marking devices, remove campaign literature and repair defaced or damaged booths.

(Adopted effective October 1, 1999)

Sec. 9-242a-16. Machine tenders and machine malfunction

The machine tenders shall be stationed next to the voting machine. They shall control access to the machine and shall prevent anyone from tampering with the machine. They shall instruct electors in the proper method for inserting the ballot. They shall ascertain that the ballot has been accepted by the machine before a voter leaves the polling place. The machine tender shall advise the elector of any error messages displayed by the machine. If a ballot is rejected by the machine they shall advise the elector how to correct the problem. They shall not look at the markings on an elector's ballot. If a new ballot is needed, the machine tender shall summon the moderator, or other available election official to escort the elector to the ballot clerks. If the machine jams or malfunctions, the machine tender shall summon the moderator before any corrective action is taken. Machine tenders shall clear any jammed ballots in accordance with instructions provided for the machine and shall avoid looking at the markings on the ballots. The machine shall not be opened unless one election official from an opposing political party is present. The moderator shall make a memorandum as to whether the machine indicates that it has counted the ballot. If the jam cannot be cleared or the machine malfunction cannot be resolved by election officials, the moderator shall call the registrars to contact the technician certified under section 9-242-13 of the Regulations of Connecticut State Agencies or manufacturer's representative for service or to substitute a perfect machine for the malfunctioning machine. Ballots shall continue to be issued, and voted ballots shall be placed in the auxiliary bin. The Secretary of the State shall prescribe the procedure to substitute a machine for the malfunctioning machine. The Secretary of the State may prescribe that the memory card be removed from a malfunctioning machine to a perfect machine to enable the records of both machines to be added together on the memory card. When the machine is repaired or replaced, the election officials shall (1) process the ballots from the auxiliary bin through the machine, (2) override overvote messages to process such ballots if there appears to be an overvote, and (3) return ballots rejected as blank ballots to the auxiliary bin to be hand counted. The moderator shall make a memorandum of such incidents. If the ballot box becomes full, officials of opposing political parties shall replace the ballot box in the manner prescribed by the

Secretary of the State. No person shall be permitted to leave the polling place with a ballot, either marked or unmarked. When an elector's ballot has been accepted by the machine, the elector shall be directed to immediately leave the polls.

(Adopted effective October 1, 1999)

Sec. 9-242a-17. Process of voting

After the checkers check off the name of an elector on the official check list, the ballot clerk shall issue such elector a ballot. The ballot clerk shall also offer the elector a privacy sleeve into which the ballot can be inserted so that the markings on the ballot cannot be seen. The elector shall not be required to accept a privacy sleeve. When a voting booth is available, the elector shall be directed to enter a booth and mark his ballot. No elector shall remain within the voting booth longer than four minutes except as otherwise provided by law. The elector shall then be permitted to proceed to the voting machine and insert his ballot for counting. If the machine accepts his ballot, the elector shall immediately exit the polling place.

(Adopted effective October 1, 1999)

Sec. 9-242a-18. Overvote

An overvote occurs when an elector votes for more candidates for an office than he is entitled to. When an overvote message appears on the voting machine, the voting machine tender shall instruct the elector to recheck the ballot and obtain a new ballot if necessary. If the elector insists that the ballot be processed with the overvote, the voting machine tender shall instruct him that the machine will not count the votes for the overvoted office but will count the other votes. If the elector then reinserts the ballot in the machine, the machine tender shall push the button or buttons on the machine to override the message and process the ballot with the overvote.

(Adopted effective October 1, 1999)

Sec. 9-242a-19. Blank ballot

A blank or unreadable ballot is one on which the machine cannot read a single vote for any office. If this occurs, the machine tender shall review with the elector the instructions and direct the elector to obtain a new ballot. If the elector requests that the ballot be processed when no votes are readable by the machine, the voting machine tender shall instruct the elector that the ballot will be counted by hand after the polls close, but if the election officials are unable to determine the intent of the elector, some or all of his votes could be lost. If the elector insists that the ballot be processed, the elector shall then be instructed to deposit the ballot in the auxiliary bin.

(Adopted effective October 1, 1999)

Sec. 9-242a-20. Replacing a spoiled ballot with a new ballot

Any elector may request a new ballot at any time prior to the acceptance of his ballot by the machine. No reason need be given. No elector shall be issued more than three ballots. To obtain a replacement ballot, the elector shall return with his spoiled ballot to the ballot clerk and, whenever practical, an available election official shall escort him back to the ballot clerk. An elector seeking to obtain a replacement ballot need not go to the end of the line of electors entering the polling place. Before a replacement ballot is

issued, the elector shall give his old ballot to the ballot clerk, holding it in such a way that the markings are not visible. The Secretary of the State may prescribe a procedure to ensure secrecy of the vote. Without looking at the markings, the ballot clerk shall mark the word “spoiled” on the back of the old ballot, tear a corner off the ballot and place the ballot in a depository envelope, or other suitable container reserved for spoiled ballots. The ballot clerk shall make a notation on the ballot log worksheet for each ballot returned, in the spoiled ballot section, and shall note each replacement ballot issued, in the ballots issued section. After the ballot clerk has placed the spoiled ballot in the envelope and made the notations to the ballot log worksheet, the ballot clerk shall issue a new ballot to the elector. The ballot clerk shall direct the elector to an available voting booth to mark his new ballot.

(Adopted effective October 1, 1999)

Sec. 9-242a-21. Challenged ballot

A challenged ballot issued under section 9-232e of the Connecticut General Statutes shall be a regular ballot which the elector shall fold and place in the serially-numbered envelope. The ballot clerk shall mark both the ballot issued section and the challenged ballot section of the ballot log worksheet.

(Adopted effective October 1, 1999)

Sec. 9-242a-22. Close of polls. Canvass of voting machines

At the close of the polls, the polling place officials shall prepare, in duplicate, the moderator’s returns prescribed by the Secretary of the State. The moderator and assistant registrars of voters shall (1) check that the seal on the voting machine sealing the memory card in the tabulator has not been broken and record the number on the seal on the returns, (2) machine process any ballots in the auxiliary bin and re-lock in the auxiliary bin any ballots which cannot be machine processed, (3) direct the absentee ballot counters to process any remaining absentee ballots on hand which can be machine processed and note on the moderator’s returns the number of absentee ballots machine processed, if absentee ballots are counted at the polls, (4) record on the returns the number on the public counter, (5) lock the tabulator against processing further ballots in accordance with the manufacturer’s instructions, and (6) print an election results report for each candidate and question in accordance with the instructions of the manufacturer and the Secretary of the State. The moderator shall announce the machine results for each candidate and question. The officials shall remove the original election results report from the machine, and the moderator and the assistant registrars shall sign it. The original election results report from the machine shall be attached to the moderator’s return which is filed with the municipal clerk. The officials shall produce and sign two additional election results reports and shall post one in the polling place for public inspection and attach the other to the duplicate of the moderator’s return which is placed in the ballot transfer case.

(Adopted effective October 1, 1999)

Sec. 9-242a-23. Moderator’s returns. Canvass of votes cast and certifications

The polling place officials shall complete the moderator’s returns and shall be guided by instructions of the Secretary of the State. The moderator and assistant registrars of

voters shall record on the moderator's returns the machine result totals for each candidate and question. The moderator and assistant registrars of voters shall unlock and remove all the ballots from the write-in bin. They shall record the number of ballots in the write-in bin. They shall count by hand the votes cast for the office in which the elector indicated a write-in vote. They shall record on the moderator's returns the write-in votes in accordance with the law governing write-in ballots. They shall seal the write-in ballots in a depository envelope marked "write-in bin" and place them in the ballot transfer case. The moderator shall direct the polling place officials to unlock and remove all the ballots from the auxiliary bin, record the number of such ballots, count them by hand, record on the moderator's returns the votes on such ballots, seal them in a depository envelope marked "auxiliary bin" and place them in the ballot transfer case. The law providing that the intent of the voter governs when counting absentee ballots shall apply to ballots counted by hand. Ballots counted by hand shall be counted by teams of two officials from opposing political parties and questions shall be submitted to the moderator for decision and endorsement on the ballot.

(Adopted effective October 1, 1999)

Sec. 9-242a-24. Counting absenting ballots at the polls

If absentee ballots are counted at the polls, the absentee ballots and the voting machine shall be adjusted to provide that the election results report printed by the machine at the close of the polls indicate for each candidate and question the absentee vote, the non-absentee vote and the totals. Before processing absentee ballots through the voting machine, the absentee ballot counters shall set aside for counting by hand those ballots which the Secretary of the State prescribes cannot be processed by the machine. The Secretary of the State shall prescribe the method for counting absentee ballots when a vacancy occurs after absentee ballots are issued. If an overvote message appears on the voting machine and there appears to be an overvote, the machine tender shall override the message and process the ballot with the overvote. If the machine rejects an absentee ballot as a blank ballot, the absentee ballot shall be counted by hand. The absentee ballot counters shall note the total number of absentee ballots processed by the machine and report such total to the moderator. The absentee ballots which are counted by hand shall be counted in accordance with the law governing counting absentee ballots and shall be sealed in depository envelopes. The absentee ballot counters shall record the result of the count of the handcounted absentee ballots on the separate record prescribed by law to be placed with the absentee ballots and report such result to the moderator. The moderator shall record such totals and results on the moderator's return prescribed by the Secretary of the State.

(Adopted effective October 1, 1999)

Sec. 9-242a-25. Central counting of absenting ballots

If registrars of voters choose to use approved marksense voting machines to count absentee ballots at a central location, on election day at the time prescribed by law, the registrars shall appear before the municipal clerk to receive the voting machine tabulator and absentee ballots for the central counting place. The registrars shall examine the label on the tabulator to ensure that it is the correct tabulator for the central counting place. The registrars shall give the municipal clerk a receipt for the tabulator and the absentee ballots

received. The registrars shall transport the absentee ballots and tabulator to the central counting place and shall immediately deliver them to the central counting moderator. The central counting moderator shall give the registrars a receipt and shall keep a copy for his records. The registrars and central counting moderator shall record the number on the seal, prepare the voting machine in the manner provided in section 9-242a-9 of the Regulations of Connecticut State Agencies and follow the instructions prescribed by the Secretary of the State. Before processing absentee ballots through the voting machine, the absentee ballot counters shall set aside for counting by hand those ballots which the Secretary of the State prescribes cannot be processed by the machine. The Secretary of the State shall prescribe the method for counting absentee ballots when a vacancy occurs after absentee ballots are issued. If an overvote message appears on the voting machine and there appears to be an overvote, the officials shall override the message and process the ballot with the overvote. If the machine rejects an absentee ballot as a blank ballot, the absentee ballot shall be counted by hand. The absentee ballots which are counted by hand shall be counted in accordance with the law governing counting absentee ballots and shall be sealed in depository envelopes. The absentee ballot counters shall record the result of the count of the handcounted absentee ballots on the separate record prescribed by law to be placed with the handcounted absentee ballots and report such result to the central counting moderator. The results of the machine processed absentee ballots shall be printed out at the close of the polls. The Secretary of the State shall prescribe the procedure to safeguard the machine and the machine processed absentee ballots on election, primary or referendum day, after each time prescribed for processing absentee ballots. The Secretary of the State may prescribe that on election, primary or referendum day, after the first time period prescribed for processing absentee ballots (1) the machine processed absentee ballots be removed and sealed in a labeled depository envelope, (2) the absentee ballots in the write-in bin be removed, the votes cast for the office in which the elector indicated a write-in vote be counted by hand and the ballots be sealed in a labeled depository envelope, (3) the public counter and seal on the tabulator be noted and (4) the registrars of voters return to the municipal clerk the tabulator and all such sealed and labeled packages of absentee ballots. After the close of the polls, the absentee ballot counters shall unlock and remove all the ballots from the write-in bin. They shall count by hand the votes cast for the office in which the elector indicated a write-in vote. They shall record on the moderator's returns the write-in votes in accordance with the law governing write-in ballots. The absentee ballot counters shall seal the write-in ballots in a depository envelope marked "write-in" and place them in the ballot transfer case. Machine counted absentee ballots shall be placed in the ballot transfer case. The central counting moderator and absentee ballot counters shall follow the procedures prescribed by the Secretary of the State for shutting down the machine and producing the election results report. The central counting moderator and counters shall sign three copies of the election results report, attach one to the moderator's return, post one and place one in the ballot transfer case. The central counting moderator shall record on the moderator's returns prescribed by the Secretary of the State the result of the count of the absentee ballots counted by hand and counted by machine. The central counting moderator shall announce the results of the absentee ballot vote for each candidate and question. No person shall make known the count of absentee ballots prior to the time for the closing of the polls. The central counting moderator shall follow the procedures prescribed by the

Secretary of the State and return the keys, the tabulator, the ballot transfer case, the moderator's return with the election results report attached and other election materials to the municipal clerk.

(Adopted effective October 1, 1999)

Sec. 9-242a-26. Completing ballot log summary after polls close

After the polls close, the ballot clerks shall complete a ballot log summary prescribed by the Secretary of the State. They shall total the actual count of ballots from opened packages recorded that day, subtract the total of loose unissued ballots and explain if the difference does not equal the total ballots issued. They shall total the ballot packages received, subtract the total packages opened and explain if the difference does not equal the total ballot packages remaining unopened after the polls close. The ballot clerks shall (1) add the spoiled ballots, challenged ballots and ballots in the auxiliary bin after the voting machine was locked against further voting, (2) subtract this total from the total ballots issued, and (3) explain if the difference does not equal the number on the public counter after the voting machine was locked against further voting. If absentee ballots are counted in the polling place, the Secretary of the State shall prescribe how absentee ballots are accounted for, which may include prescribing that the total absentee ballots counted by the machine be added to the total ballots issued in the polling place counted by machine. The ballot clerks shall place all spoiled ballots in a depository envelope marked "spoiled ballots", seal it with non-reusable tape and deliver it to the moderator for return to the municipal clerk. The ballot clerks shall secure all ballots which are not issued to electors and deliver them to the moderator for return to the municipal clerk. All unused printed marksense ballots shall be retained by the municipal clerk in the manner and for the period prescribed by law for the retention of unused absentee ballots and then shall be destroyed.

(Adopted effective October 1, 1999)

Sec. 9-242a-27. Closing the machines and polls

After all election results reports have been produced, the moderator and assistant registrars of voters shall record on the moderator's return the number on the public counter, close down the machine and remove the tabulator from the ballot box according to the manufacturer's instructions. They shall not break the seal on the tabulator and they shall record such number on the moderator's return. They shall place the tabulator in its carrying case. They shall seal all depository envelopes with non-reusable tape. They shall place in the ballot transfer case all depository envelopes from the polling place and all ballots from the regular bin. The Secretary of the State may prescribe that the depository envelopes containing the empty envelopes and rejected absentee ballots, the depository envelope containing the challenged ballots and the depository envelope containing the spoiled ballots need not be placed in the ballot transfer case. If absentee ballots are counted at the polling place, the certificate of absentee ballot count shall be completed and the result of the absentee ballot count shall be entered on the moderator's returns in the manner prescribed by the Secretary of the State. The moderator shall announce the results for each candidate and question. The moderator and assistant registrars of voters shall indicate on the moderator's returns, the number of the seal that will be used to secure the ballot transfer case. They shall attach a signed copy of the election results

report, which was produced by the machine, to a signed copy of the Moderator's return, place them in the ballot transfer case and seal the ballot transfer case. The moderator shall label the keys in accordance with instructions from the secretary of the state and return the keys, the tabulator, the ballot transfer case, the original moderator's return with the original election results report attached, and other election materials to the municipal clerk. The ballot transfer case shall be sealed for the period of time prescribed for sealing absentee ballots and then shall be unsealed and the contents destroyed. The tabulator shall be sealed for the period of time prescribed for sealing voting machines.

(Adopted effective October 1, 1999)

Sec. 9-242a-28. Recanvass

If a recanvass is required by law in a municipality which uses marksense voting machines, the head moderator shall summon the recanvass officials consisting of the technician certified under section 9-242-13 of the Regulations of Connecticut State Agencies, at least two checkers, two ballot clerks and two absentee ballot counters of opposing political parties who served at such election, the registrars of voters, and the municipal clerk. The municipal clerk shall be required to bring with him the sealed tabulators, the sealed ballot transfer cases, replacement seals and the other materials required by law. The technician shall be required to bring with him sufficient ballot boxes, new memory cards for each voting district and test ballots prepared in the manner prescribed by the Secretary of the State. The recanvass officials shall, in the presence of the moderator, make a record of the number on the seals on the tabulator and ballot transfer case. The recanvass officials shall break the seal on the tabulator, remove the memory card and place it in a storage container approved by the Secretary of the State. The new memory card shall be installed in the tabulator, the tabulator shall be installed on an empty ballot box, the test ballots shall be testvoted in the manner prescribed by the Secretary of the State and a record shall be made. When the machine prints the election zero report, the report shall be signed by the moderator and registrars and left attached to the tape in the machine. The recanvass officials shall break the seal of the ballot transfer case and begin the recount required by law for that voting district. Two recanvass officials of opposing political parties shall (1) open the depository envelope containing the ballots from the auxiliary bin, hand count the votes for the offices and questions subject to recanvass, record them on the tally sheets and reseal them in a labeled depository envelope, (2) open the depository envelopes containing the absentee ballots which were handcounted on election day, hand count the votes for the offices and questions subject to recanvass, record them on the tally sheets and reseal them in labeled depository envelopes, and (3) open the depository envelope containing the ballots from the write-in bin, count by machine and by hand the votes for the offices and questions subject to recanvass in the manner prescribed by the Secretary of the State, record them on the tally sheets and reseal them in a labeled depository envelope. The recanvass officials of opposing political parties shall examine all ballots which were machine counted on election day to determine whether the markings for the office being recanvassed are sufficiently clear to be read by the machine. If two recanvass officials of opposing political parties agree that such ballots are sufficiently clear to be read by the machine, such ballots shall be processed through the machine. For each voting district, the recanvass officials shall print and sign two elections results reports, announce the

machine results for the offices and questions subject to recanvass, post one copy of the report and attach the other copy of the report to the moderator's return. All other ballots which were counted by machine on election day shall be counted by hand by recanvass officials of opposing political parties, recorded on the tally sheets and sealed in labeled depository envelopes. The recanvass officials shall complete the moderator's returns for each office and question subject to recanvass and announce the results. All ballots shall be placed in the ballot transfer case which shall be sealed with a new seal, and the seal number recorded on the moderator's return. The memory card shall be sealed in the tabulator and the seal number recorded on the moderator's return. The memory card which has been removed from the tabulator shall be sealed in a storage container in the manner prescribed by the Secretary of the State and the seal number recorded on the moderator's return. The moderator shall return the keys, the tabulator, the ballot transfer case, the polling place moderator's returns with elections results reports attached, and other election materials to the municipal clerk. The moderator shall also prepare the head moderator's return in duplicate as prescribed by law and file one with the municipal clerk and one with the Secretary of the State. The tabulator and memory card storage container shall be sealed for the period of time prescribed for sealing voting machines. The recanvass may be conducted in such other manner as may be prescribed by the Secretary of the State.

(Adopted effective October 1, 1999)